

## **FISCAL NOTE**

### **HB 592 - SB 936**

March 13, 2007

**SUMMARY OF BILL:** Removes the requirement that a person who was paid with a worthless check must choose whether to pursue the claim on the worthless check under either the civil or the criminal provision of the law.

#### **ESTIMATED FISCAL IMPACT:**

**Increase State Revenues – Not Significant**

**Increase State Expenditures – \$863,600 / Incarceration\***

**Increase Local Govt. Revenues – Not Significant**

**Increase Local Govt. Expenditures – Not Significant**

Assumptions:

- An increase in the number of criminal cases
- According to the U.S. Census Bureau, population growth in Tennessee has been 1.09 percent per year for the past 10 years.
- Eighty-five persons will be convicted of a Class E felony for paying with a worthless check in the first of this bill. Population growth of 1.09 percent per year will result in nine additional offenders in the tenth year as a result of this bill. The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on 94 offenders serving 0.3 years (109.58 days).
- According to the Department of Correction, the average operating cost per inmate per day for calendar year 2007 is \$60.16. The cost per inmate is \$6,592.33 (\$60.16 x 109.58 days). The total operating cost for 94 offenders is \$619,679.02 (\$6,592.33 x 94).
- Ten persons will be convicted of a Class D felony for paying with a worthless check in the first of this bill. Population growth of 1.09 percent per year will result in one additional offender in the tenth year as a result of this bill. The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on 11 offenders serving 0.6 years (219.16 days).
- According to the Department of Correction, the average operating cost per inmate per day for calendar year 2007 is \$60.16. The cost per

inmate is \$13,184.67 (\$60.16 x 219.16 days). The total operating cost for 11 offenders is \$145,031.37 (\$13,184.67 x 11).

- Five persons will be convicted of a Class C felony for paying with a worthless check in the first of this bill. No significant incarceration cost increase will occur due to population growth in this period. The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on 5 offenders serving 0.6 years (328.74 days).
- According to the Department of Correction, the average operating cost per inmate per day for calendar year 2007 is \$60.16. The cost per inmate is \$19,776.99 (\$60.16 x 328.74 days). The total operating cost for 5 offenders is \$98,884.95 (\$19,776.99 x 5).
- There will not be a sufficient number of misdemeanor prosecutions for local governments to experience any significant increase in revenues or expenses.

*\*Section 9-6-119, TCA, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

## **CERTIFICATION:**

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "James W. White". The signature is fluid and cursive, with a large initial "J" and a distinct "W".

James W. White, Executive Director